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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,777	10/01/2001	Satoru Ouchi	110700	7090

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Oliff & Berridge
PO Box 19928
Alexandria, VA 22320

EXAMINER

CHERUBIN, YVESTE GILBERTE

ART UNIT	PAPER NUMBER
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3713

10

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,777

Applicant(s)

OUCHI, SATORU

Examiner

Yveste G. Cherubin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

1. This action is in response to the amendment of the US Application No. 09/937,777 filed December 24, 2003. Claims 1-3, 11-13, 19-20, 22-24, 26 have been amended. Claims 1-29 are pending.

Information Disclosure Statement

2. The information disclosure statement filed October 1, 2001, Paper Nos. 4 and 5, fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

Allowable Subject Matter

3. The indicated allowability of claims 5-10, 15-18, 21, 26-29 is withdrawn in view of the newly discovered reference(s) to Cookson (US Patent No. 5,400,077) and Toyoshima (US Patent No. 6,011,526). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 5, 15, 21, 26 are rejected under 35 U.S.C. 102(a) as being anticipated by Cookson (US Patent No. 5,400,077 – of record).

As per claims 5, 15, 21, 26, Cookson discloses a system for generating a video signal in a selected one of multiple aspect ratios, see abstract. Cookson further discloses generating image data in a letter box corresponding to a normal screen, 3:41-43, and extracting/cutting blank data from the generated image data to generate image data corresponding to a wide screen, 3:43-44 with no distortion, as shown in Fig 9. Cookson discloses his system capable of being implemented in a gaming environment, 13:55+.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1-4, 11-14, 19-20, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoshima (US Patent No. 6,011,526 – of record) in view of Okayama (US Patent No. 5,045,939 – of record).

As per claims 1-2, 4, 11-12, 14, 19-20, 22-23, 25 Toyoshima teaches a display apparatus operable in synchronism with a movement of the body of a viewer or player,

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see title. Toyoshima further teaches an image corresponding to a full or wide screen, 16:9 and wherein an image of a normal screen 4:3 is extracted/converted and displayed at the control of a player, 1:7-19, 34-37, 6:15-22, 4:46-52. In reference to Figs 4A-6C, although the pictures are being displayed with no distortion, Toyoshima is silent on generating game image data with no distortion corresponding to a normal screen. Okayama teaches an analogous apparatus for generating image data corresponding to a 16:9 wide screen television signal and generating/converting said generated image data to a 4:3 normal screen television signal (see title, abstract, 3:4-6) with no distortion. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide image data with no distortion as taught by Okayama into the Toyoshima type device in order to provide enhanced visual image to players therefore encourage players to utilize the gaming device. As per claims 3, 13, 24, Okayama discloses generating game image data corresponding to normal screen 4:3 from game image data corresponding to 16:9 according to motion, see abstract and 2: 23-25 and so is Toyoshima 2:61-67.

b. Claims 6-10, 16-18, 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cookson et al. (US Patent No. 5,400,077 – of record) in view of Toyoshima (US Patent No. 6,011,526 - of record)

As per claims 6, 16, 27 Toyoshima teaches an apparatus capable of outputting game image data in full screen 16:9 or normal screen 4:3 according to player movement, 4:61-64. As shown, according to player movement, associated screen is displayed

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according to game progress. Accordingly, the switching section to output either game image data generated by first generating section or game image data generated by second generating section is taught by Toyoshima. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the switching section as taught by Toyoshima into the Cookson type device in order to provide a smooth screen transition according to the progress of the game. As per claims 7-8, 17, 28, Toyoshima implicitly teaches automatically switching game image data to be outputted according to signals outputted from a predetermined display section, and according to a type of a progress of a game, see 5:25-49, 3:59-67, 4:38-52, 7:61-67, 8:1-50 where synchronism process is established with varying screen display. As per claims 9, 18, 29, it would have been obvious to adjust the brightness of the game image data generated by the second generating section, on the basis of the game image data generated by the first generating section in order to provide efficient light to associated screen display. As per claim 10, Toyoshima teaches providing a television receiver (external display) connected to the game apparatus, 5:64-67, 6:1-6.

Response to Arguments

6. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Final Action

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. US Patent No. 5,223,929 to Sugimori et al., which teaches television system.
 - b. US Patent No. 5,461,431 to Takebushi et al., which teach display apparatus for television for displaying an image of different size on a whole display screen.
 - c. US Patent No. 5,581,304 to Wang, which teaches screen detecting system of a wide screen television for detecting blank top and bottom areas.

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d. US Patent No. 5,719,636 to Ishii et al., which teaches letter-box screen detection apparatus.

e. US Patent No. 5,956,092 to Ebihara et al., which teach television receiver with adjustable frame size.

f. US Patent No. 6,064,445 to Kim et al. which teach automatic picture size control method for semi-wide screen television receiver.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (703) 306-3027. The examiner can normally be reached on 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, T. Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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